

HOUSE BILL REPORT

SB 5307

As Reported by House Committee On:
Commerce & Labor

Title: An act relating to amusement rides.

Brief Description: Modifying requirements for the operation of amusement rides.

Sponsors: Senators Keiser, Eide and Kohl-Welles.

Brief History:

Committee Activity:

Commerce & Labor: 3/21/05, 3/30/05 [DP].

Brief Summary of Bill

- Makes go carts and bumper cars subject to laws regulating amusement apparatus.
- Authorizes the Department of Labor and Industries (Department) to increase fees for operating decals for bungee jumping devices and amusement apparatus.
- Specifies that fees for operating decals and penalties be deposited in the Electrical License Fund, and that they must be used only to regulate amusement apparatus.
- Requires the Department to adopt rules on citations and penalties, not to exceed \$10,000, for violations of laws regulating amusement apparatus.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass. Signed by 4 members: Representatives Conway, Chair; Wood, Vice Chair; Hudgins and McCoy.

Minority Report: Do not pass. Signed by 3 members: Representatives Condotta, Ranking Minority Member; Sump, Assistant Ranking Minority Member; and Crouse.

Staff: Jill Reinmuth (786-7134).

Background:

Before operating an amusement ride or structure, an owner or operator must do the following:

- obtain an annual operating permit and decal from the Department of Labor and Industries (Department);

- have an annual inspection conducted by an insurer or another qualified person;
- maintain an insurance policy of at least \$1 million per occurrence;
- file an inspection certificate and insurance policy with the Department; and
- file a certificate of compliance with the sponsor or other person responsible for the event at which the rides or structures are used.

An applicant for an operating permit must submit an application to the Department, including the certificate of insurance. The decal must be affixed on or adjacent to the control panel of the ride or structure.

"Amusement ride" is defined as a vehicle, boat, bungee jumping device, or other mechanical device moving upon cables, rails or through the air to convey one or more individuals for entertainment, diversion, or recreation. Amusement rides include sky rides, ferris wheels, carousels, parachute towers, tunnels of love, and roller coasters. "Amusement structure" is defined as an electrical or mechanical device intended to amuse or entertain audiences or viewers, as well as a bungee jumping device. It also includes nonmechanical and air supported devices.

"Amusement ride" does not include conveyances used in recreational winter sports activities, such as certain ski lifts and ski tows, single passenger coin operated rides, non-mechanical playground equipment, and water slides.

The Department must adopt rules implementing laws regulating amusement rides, and may adopt rules exempting amusement rides and structures on federal land that are required to comply with federal safety standards. Counties and municipalities may adopt ordinances which relate to the operation of amusement rides or structures and supplement state law.

The Department may charge a fee of up to \$100 for permits issued to bungee jumping operators, and up to \$10 for other permits. The fees are deposited in the General Fund.

The Department may order an operator to cease operating an amusement ride or structure if there is not a valid permit or an insurance policy. It is a gross misdemeanor to operate an amusement ride or structure without a permit or insurance.

Summary of Bill:

When operating, renting, or leasing an amusement apparatus, the owner or operator of the apparatus must:

- possess an operating decal issued by the Department of Labor and Industries (Department);
- maintain an insurance policy of not less than \$1 million per occurrence; and
- file a certificate of compliance with the sponsor or other person responsible for the event at which the ride or structure is used.

An operator of an amusement apparatus is not required to obtain an operating decal if:

- the person is making the apparatus available without charge to their family or invitees at their place of residence; or
- the person is operating the apparatus as part of an act or stage performance and the general public does not have access to the apparatus.

An applicant for an operating decal must submit an application to the Department, including the application fee and certificates of insurance and inspection, and must identify the apparatus for which the decal is being applied. When the apparatus is made available to the public, the decal must be displayed in a location visible to the patrons of the apparatus. The decal becomes invalid when the required insurance policy is canceled or the apparatus is materially modified or sold.

The term "amusement apparatus" is added to describe the rides and structures that are subject to regulation. "Amusement apparatus" is defined as an "amusement structure" or "amusement ride." The definition of "amusement structure" is modified to include climbing walls and inflatable bounce-houses. The definition of "amusement ride" is modified to include go carts and bumper cars, and to exclude dual passenger coin-operated rides.

The Department's rulemaking authority is modified. The rules must include provisions relating to inspector qualifications and safety standards, orders and rulings, citations and penalties not to exceed \$10,000 for violations of laws regulating amusement apparatus, and other actions necessary to implement and enforce laws regulating amusement apparatus.

The Department's enforcement authority is modified. The Department may order an operator to cease operating an amusement apparatus if the apparatus is unsafe or incident reporting is required by rule.

The Department's fee setting authority is modified. Initially, application fees may not exceed \$20 for amusement apparatus and \$150 for bungee jumping devices. Thereafter, application fees may be increased subject to the fiscal growth factor limit. Fees, penalties, and other amounts collected by the Department are deposited in the Electrical License Fund, and must be used only to regulate amusement apparatus. The State Treasurer must distinguish deposits and disbursement made pursuant to laws regulating electrical installations from those made pursuant to laws regulating amusement apparatus.

The actions subject to criminal penalties are limited. It is a gross misdemeanor to operate an amusement apparatus without a valid operating decal and any person is injured by the operation of the apparatus. It is also a gross misdemeanor to operate a bungee jumping device from a location where the property owner's written permission is required without that written permission.

Rules Authority: The Department must adopt rules relating to inspector qualifications and safety standards, issuance of orders and rulings, citations and penalties, and other actions necessary to implement and enforce laws regulating amusement apparatus.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: Current law enables the Department of Labor and Industries (Department) to adopt rules to cover certain types of amusement rides and structures, like climbing walls and inflatable bounce houses. Annual inspections are of the hydraulic, mechanical, electrical, and structural elements of amusement rides and structures.

Current law does not enable the Department to require inspection of go-karts and bumper cars. There are no safety standards for go-karts or bumper cars. They operate without any inspection and without any regard for public safety. This bill would enhance the Department's ability to inspect go-karts.

Inflatables can be dangerous. They are highly physical. They have rolled while kids were playing in them in Washington and Oklahoma. There has been an 18 percent annual increase in bounce house injuries.

Testimony Against: None.

Persons Testifying: Senator Keiser, prime sponsor; Clell Woodcock, CAW Technical Services; and Faith Jeffrey, Department of Labor and Industries.

Persons Signed In To Testify But Not Testifying: None.